

16408. Adulteration and misbranding of Griperol. U. S. v. 35 Dozen Bottles of Griperol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23626. I. S. No. 02145. S. No. 1802.)

On or about April 22, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 dozen bottles of Griperol at Ponce, P. R., alleging that the article had been shipped by Gabriel J. Fajardo, New York, N. Y., into Porto Rico, on or about June 29, 1928, and that it was being offered for sale and sold in Porto Rico by Anselmi Hnos. (Inc.), Ponce, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of salts of ammonium, hypophosphites, chlorides, cod liver oil extract, menthol, tar and other pine products, alcohol, sugar, and water.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton and bottle label) "A preparation based on extract of cod liver oil," (circular) "Griperol * * * contains the extract of cod liver oil."

Misbranding was alleged for the reason that the statements, (carton and bottle label) "A preparation based on extract of cod liver oil," (circular) "Griperol * * * contains the extract of cod liver oil," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labels, (carton and bottle label) "Griperol * * * In Cough, Bronchitis, Hoarseness, Bronchial Catarrhs, Grippe. It is * * * reconstituent," (circular) "Used in Bronchio-Pulmonary affections * * * Cough, Hoarseness, Bronchitis, Catarrh, etc. It is * * * an * * * reconstituent," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On June 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16409. Misbranding of Arkadin. U. S. v. 20 Bottles of Arkadin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23687. I. S. No. 02141. S. No. 1915.)

On or about May 13, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 bottles of Arkadin at Ponce, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by Moscoso Hno. & Co., S. en C., Ponce, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, menthol, benzoate of soda, guaiacol, phenol, mydriatic alkaloids, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton label, translated from Spanish) "For The Diseases of the Respiratory Tract * * * Catarrh, Cough, Grippe, Asthma, Bronchitis," (bottle label, translated from Spanish) "For the Treatment of Catarrh in the Chest, Vexatious Coughs, Grippe, Hoarseness, Bronchitis, Influenza, Asthma, and other affections of the Lungs, Throat and Bronchios," (circular, translated from Spanish) "For the complete treatment of the diseases of the Chest such as, Catarrh in the chest, no matter whether it is of a chronic character, Asthma, Hoarseness, Obstinate Coughs with Yellowish Expectorations, Severe Attacks of Grippe in which the organism is feverish and for incipient Tuberculosis it has given magnificent results. After the first doses of this Medicine a notable improvement is felt and with its continuous use the patient gets well," were